

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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PAIGE PELTAN,

Plaintiff,

Case # 16-CV-324-FPG

v.

DECISION AND ORDER

CRYSTAL MORONEY and  
LAW OFFICES OF CRYSTAL MORONEY, P.C.,

Defendants.

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This action was commenced on April 25, 2016, when Plaintiff Paige Peltan, represented by counsel, filed a Complaint against Defendants Crystal Moroney and Law Offices of Crystal Moroney, P.C., and paid the requisite filing fee. *See* ECF No. 1. The Clerk of the Court issued Summonses for the Defendants on April 28, 2016, however, there is no indication on the docket that Plaintiff has caused those Summonses and the Complaint to be served on the Defendants.

Federal Rule of Civil Procedure 4(m) provides that “[i]f a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” By Order to Show Cause dated December 22, 2016, this Court directed the Plaintiff to show cause, “in writing and before January 6, 2017, why this case should not be dismissed under Fed. R. Civ. P. 4(m) for failure to effect service within 90 days.” ECF No. 4. The Order to Show Cause warned the Plaintiff that “Failure to comply with this Order will result in the dismissal of this action.” *Id.*

Here, the Plaintiff has failed to serve the Complaint within the required time frame. There is no indication that the Plaintiff has been diligent in her efforts to effect service in a timely manner, and despite being ordered to show cause why this case should not be dismissed

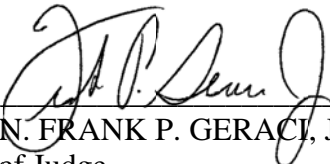
for failing to serve the Complaint, Plaintiff has ignored the Court's Order, and has provided no explanation or reason to demonstrate that dismissal of this action is not appropriate. As a result, this case will be dismissed.

CONCLUSION

For the foregoing reasons, this case is dismissed pursuant to Fed. R. Civ. P. 4(m), and the Clerk of Court is directed to close this case.

IT IS SO ORDERED.

DATED:       Rochester, New York  
              May 9, 2017

  
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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court